REMARKS/ARGUMENTS

The undersigned representative thanks Examiners Fields and Dass for the courtesies extended during the March 20, 2008 Examiner Interview. The Office Action dated January 14, 2008 has been received and considered. Claims 1-88 and 93-96 are pending. Claims 1-88, 93, and 94 are rejected. Claims 89-92 are canceled without prejudice or disclaimer. Claims 95 and 96 are added. No new matter is added. Reconsideration of the current rejections in the present application is also respectfully requested based on the following remarks.[1]

Interview Summary

On March 20, 2008, Examiner Fields, Examiner Dass, and the undersigned representative, Tom Corrado, conducted an in-person examiner interview. There were no exhibits shown nor was a demonstration conducted. The Mahoney reference (U.S. Patent 7,287,008) and the limitations recited in the independent claims were discussed. Potential claim amendments with respect to the 35 U.S.C. § 101 rejection were discussed. As indicated below, an agreement was reached with respect to this rejection. Although, the 35 U.S.C. § 102(e) rejection was discussed, no agreement was reached. Regarding the 35 U.S.C. § 103(a) rejections, an agreement was reached that the Office Action does not provide proper motivation to sustain this rejection at this time.

Rejections of Claims 1, 45, and 89-94 under 35 U.S.C. § 101

Claims 1, 45, and 89-94 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. During the interview, it was agreed that if (a) claims 89 and 90 were amended to be re-written in independent form as computer readable media claims; (b) claims 91 and 92 were canceled; (c) claims 93 and 94 were amended to replace "carrier" with "medium," then the rejection of claims 1, 45, 89, 90, 93, and

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[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

94 under section 101 would be withdrawn. In this Amendment, (a) claims 89 and 90 are cancelled, without prejudice or disclaimer, and new claims 95 ad 96 replace these claims with independent, computer readable media claims; (b) claims 91 and 92 are cancelled, without prejudice or disclaimer; and (c) claims 93 and 94 are amended replacing "carrier" with "medium." As a result, the rejection of claims 1, 45, and 89-94 under 35 U.S.C. § 101 is rendered moot. Withdrawal of this rejection is respectfully requested.

Rejections of Claims 1-3, 7-13, 15-17, 19-25, 19-35, 37-39, 41-47, 51-57, 59-61, 63-39, 73-79, 81-83, 85-89, and 92-94 under 35 U.S.C. § 102(e)

Claims 1-3, 7-13, 15-17, 19-25, 19-35, 37-39, 41-47, 51-57, 59-61, 63-39, 73-79, 81-83, 85-89, and 92-94 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 7,287,008 to Mahoney et al. ("Mahoney"). Office Action, p. 4-7. This rejection is respectfully traversed. In order to maintain an anticipatory rejection under 35 U.S.C. § 102, a reference must teach each and every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.).

Regarding claim 1, Mahoney does not disclose "A computer implemented method for real estate loan administration comprising the steps of: registering with a system for real estate loan administration wherein at least one loan is identified; identifying one or more participants associated with the at least one loan to join the system for real estate loan administration; assigning one or more of privileges and roles to each of the one or more participants; managing the at least one loan via the system through an online interface wherein data associated with the at least one loan may be accessed and viewed according to user input; and performing one or more actions concerning the at least one loan wherein the one or more actions involve submitting information to a receiving entity," as recited in claim 1 of the present application.

The Office Action asserts that Figure 1 and column 2, lines 15-24 of Mahoney discloses "registering with a system for real estate loan administration wherein at least one loan is identified." Office Acton, p. 4. Figure 1 is a simplified block diagram of an overall computing environment and does not disclose a registering process. The asserted section of Mahoney recites that:

The system and method according to the present invention employs a tool in the form of a personal computer application that automates the real estate loan origination and underwriting process for use by a business entity. The method of the present invention includes steps to be followed by one or more members of the business entity, as well as automated processes within the computer application. Some of the method steps are optional, and advantageously, all of the steps can be followed in any sequence.

Mahoney, col. 2, ll. 15-24. Nothing in this asserted section discloses a registration process nor does it disclose at least one loan being identified. During the Examiner Interview, Examiner Fields asserted that the bottom of column 5 of Mahoney discloses this step. The bottom of column 5 discloses a desktop application which allows a user to enter data, e.g., "local user input." Mahoney, col. 5, ll. 53-55. "Local user input 27 is verified against a set of pre-determined input rules resident in application 16. Input rules 21 are automatically activated by application 16 upon data entry by the user, and are configured to screen input for typographical errors and logical errors." Mahoney, col. 5, ll. 57-60. Screening data input for typographical errors and logical errors is not the same as registering with a system. Thus, Mahoney does not disclose the registration recitation of claim 1.

The Office Action asserts that Figure 1 and column 2, lines 15-24 of Mahoney discloses "identifying one or more participants associated with the at least one loan to join the system for real estate loan administration." Office Acton, p. 4. Figure 1 is a simplified block diagram of an overall computing environment and does not disclose an identification process. The disclosure associated with Figure 1 also does not disclose an identification process. Column 2, lines 15-24 of Mahoney is recited above. Nothing in this asserted section discloses an identification process as recited in claim 1. Thus, Mahoney does not disclose the identifying recitation of claim 1.

The Office Action asserts that Figure 2, column 2, lines 25-58 and column 3, lines 5-15 of Mahoney discloses "assigning one or more of privileges and roles to each of the one or more participants; managing the at least one loan via the system through an online interface wherein data associated with the at least one loan may be accessed and viewed according to user input." Office Acton, pp. 4-5. Figure 2 is an example of a "Screen Deal" input screen for entering data and does not disclose assigning privileges and roles to one or more participants. The asserted sections recite that:

While any of the steps of the method could be taken first, logically, and for purposes of description, the first described step of the method of the present invention is the step of storing in the computer application the basics of the real estate loan application, or "deal", including property location, property metrics, estimated risks, loan terms and other loan and borrower details, by input of such values on one or more input screens. The next series of steps include data entry into a number of subsequent screens, in any order. Some of the subsequent screens test data inputs against pre-stored rules and based on the results of the tests, display information and commentary. The pre-stored rules are defined according to underwriting and pricing guidelines acceptable to the business entity. Other screens auto-populate certain fields with calculated results obtained by analysis of debt and equity data, using known financial models.

The system makes available to the user a set of computer screens presented in a generally non-linear sequence. The particular sequence of presentation is arranged to be under user control while at the same time, the sequence is also responsive on a real-time basis to the input data. In this way, the sequence of screens displayed for any given deal dynamically vary, depending on data entry.

Advantageously, in another step of the method, the system makes available to the user word processing-based documents, such as a loan application and credit request, which have been pre-formatted and auto-populated by the system with both input data and calculated data. In the preferred embodiment, the user initiates a one-way link (accomplished automatically by system utilization of known Windows-based, dynamic links) between the application and the word processing application present on the same computer as the system of the present invention.

The system takes advantage of intranet and Internet connectivity to enable collaborative data input and evaluation among potentially geographically disparate users. Accordingly, in another optional step of the method, a user can instruct the system to initiate a network communication with other members of the business entity regarding a particular loan application. Optionally, the system can be instructed to copy selected data screens to a server storage location and automatically populate an email message with either attached data screens or hyperlinks to the storage location of the data screens.

Mahoney, col. 2, ll. 25-58, col. 3, ll. 5-15. Nothing in these asserted sections disclose assigning privileges and roles to each of the participants. Thus, Mahoney does not disclose the assigning recitation of claim 1.

The Office Action asserts that column 10, lines 44-60 of Mahoney discloses "performing one or more actions concerning the at least one loan wherein the one or more actions involve

submitting information to a receiving entity." Office Acton, p. 5. The asserted sections recite that:

> FIG. 9 illustrates an example suite of "Execution" screens 200 which are obtained through user selection of channel 201, labeled "Execution", from icon button channels 52. User selection of icon tab 202, labeled "Borrower" instructs system 10 to display a "Borrower" screen 201, which includes data input fields 203 which answer the question, "Does the Borrower have the experience to execute the business plan?". These fields include borrower name, general real estate experience in years, property type experience in years, local market experience in years and number of similar properties owned. Input field grouping 204 includes input fields are intended to answer the question, "Does the Borrower have the financial wherewithal to perform?", including net worth, liquid assets and empire risks, which includes user-selectable options, including operating shortfalls, highly leveraged, contingent liabilities, and difficulty with lenders.

Mahoney, col. 10, ll. 44-60. This asserted section discloses a user entering information and fails to disclose what happens once the data is entered and who receives the entered information. Thus, this asserted section does not disclose "performing one or more actions concerning the at least one loan wherein the one or more actions involve submitting information to a receiving entity." as recited in claim 1.

For at least these reasons, independent claims 1, as well as dependent claims 2-22, are patentable over the applied art. Therefore, the undersigned representative will not address the arguments with respect to claims 2, 3, 7-13, 15-17, and 19-22 and reserves the right to address these arguments at a later time.

Regarding independent claims 23, 45, 89, 90, 93, and 94, since these claims contain similar limitations as argued above with respect to independent claim 1, the same arguments apply to independent claims 23, 45, 89, 90, 93, and 94, as well as dependent claims, 24-44 and 46-88, respectively. Therefore, the undersigned representative will not address the arguments with respect to claims 24, 25, 29-35, 37-39, 41-44, 47, 51-57, 59-61, 63-69, 73-79, 81-83, and 85-88 and reserves the right to address these arguments at a later time.

Accordingly, it is respectfully requested that the rejection of 1-3, 7-13, 15-17, 19-25, 19-35, 37-39, 41-47, 51-57, 59-61, 63-39, 73-79, 81-83, 85-89, and 92-94 stand rejected under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejections of Claims 4-6, 14, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 under 35 U.S.C. § 103(a)
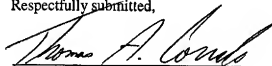
Claims 4-6, 14, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mahoney. Since each of these claims is dependent on allowable independent claims 1, 23, and 45, respectively, these claims are allowable for the same reasons recited above with respect to claims 1 and 45. Moreover, as agreed upon in the Examiner Interview, the Office Action fails to cite proper motivation to modify the rejected claims. Therefore, the undersigned representative will not further address the arguments with respect to claims 4-6, 14, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 and reserves the right to address these arguments at a later time. Accordingly, it is respectfully requested that the rejection of claims 4-6, 14, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

CONCLUSION

The foregoing is submitted as a full and complete response to the non-final Office Action mailed January 14, 2008, and early and favorable consideration of the claims is respectfully requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703) 714-7448 is respectfully solicited.

It is believed that no fees are due for filing this Amendment. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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